

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN R. ZIMMERMAN,</b>	:
<b>Plaintiff</b>	:
<b>: No. 1:13-cv-2788</b>	
<b>v.</b>	:
<b>: Honorable Yvette Kane</b>	
<b>THOMAS W. CORBETT, LINDA L.</b>	:
<b>KELLY, FRANK G. FINA, K.</b>	:
<b>KENNETH BROWN, MICHAEL A.</b>	:
<b>: Electronically Filed Document</b>	
<b>SPROW, ANTHONY J. FIORE AND</b>	:
<b>GARY E. SPEAKS,</b>	:
<b>Defendants</b>	:

**ANSWER TO PLAINTIFF'S AMENDED COMPLAINT**

1. This is a conclusion of law to which no response is required.
2. This is a conclusion of law to which no response is required.
3. This is a conclusion of law to which no response is required.
4. Admitted.
5. Admitted.
6. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.
7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

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signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

15. This paragraph makes reference to written documents, such written documents speak for themselves.

16. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

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33. Admitted that Plaintiff was arrested.

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112. Denied.

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grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

114. Denied.

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122. This paragraph makes reference to written documents, such written documents speak for themselves.

123. Denied.

124. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

125. Denied

126. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore

signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

127. Denied.

128. Denied.

129. Denied.

130. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

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Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

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149. No response required.

150. No response required.

151. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

152. Denied that any Defendants improperly destroyed exculpatory witness and proffer notes.

153. Denied that any destruction of any notes was improper.

154. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, destroyed exculpatory evidence, and that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements.

155. No response required due to this Court's Order of February 10, 2015, stating that the only issues in this matter concern whether the remaining Defendants manufactured witness testimony and intimidated witnesses prior to the

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157. Denied.

158. Denied.

159. Denied.

160. Denied.

161. Denied.

162. Admitted that the Defendants did not seek to dismiss the civil charges.

163. Denied.

164. Denied.

165. No response required.

166. This is a conclusion of law to which no response is required.

167. Denied.

168. Denied.

169. Denied.

170. Denied.

171. Denied.

172. Denied.

173. Denied.

174. Denied.

175. Denied.

176. This is a conclusion of law to which no response is required.

177. Denied.

178. Denied.

179. Denied.

180. Denied.

181. Denied.

182. Admitted.

183. This is a conclusion of law to which no response is required.

184. Denied.

185. Denied.

186. No response required.

187. This is a conclusion of law to which no response is required.

188. Denied that the Defendants acted improperly.
189. Denied that Defendants did these things.
190. Denied that Defendants engaged in any misconduct.
191. Denied.
192. Denied.
193. Denied.

### **FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state any claim upon which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

Defendants are immune from liability by virtue of absolute, qualified, official, governmental, state sovereign, and/or any other immunity.

### **THIRD AFFIRMATIVE DEFENSE**

Some or all of Plaintiffs' claims are barred by the statute of limitations, failure to exhaust his administrative remedies and/or statutory bars to recovery.

### **FOURTH AFFIRMATIVE DEFENSE**

Some or all of Plaintiffs' claims may be barred by the doctrines of estoppel, waiver, and/or laches.

Respectfully submitted,

**KATHLEEN G. KANE**  
Attorney General

By: *s/Timothy P. Keating*

**TIMOTHY P. KEATING**  
Senior Deputy Attorney General  
Attorney ID #44874

*s/Lindsey A. Bierzonski*

**LINDSEY A. BIERZONSKI**  
Deputy Attorney General  
Attorney ID #308158

**KENNETH L. JOEL**  
Chief Deputy Attorney General  
Chief, Civil Litigation Section

Date: March 12, 2015

*Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN R. ZIMMERMAN,</b>	:
<b>Plaintiff</b>	:
	: <b>No. 1:13-cv-2788</b>
<b>v.</b>	:
	: <b>Honorable Yvette Kane</b>
<b>THOMAS W. CORBETT, LINDA L.</b>	:
<b>KELLY, FRANK G. FINA, K.</b>	:
<b>KENNETH BROWN, MICHAEL A.</b>	: <b>Electronically Filed Document</b>
<b>SPROW, ANTHONY J. FIORE AND</b>	:
<b>GARY E. SPEAKS,</b>	:
<b>Defendants</b>	:

**CERTIFICATE OF SERVICE**

I, Timothy P. Keating, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on March 12, 2015, I caused to be served a true and correct copy of the foregoing document titled Answer to Plaintiff's Amended Complaint to the following:

**VIA ECF:**

**Devon M. Jacob**  
Jacob Litigation  
P.O. Box 837  
Mechanicsburg, PA 17055-0837  
[djacob@jacoblitigation.com](mailto:djacob@jacoblitigation.com)  
*Counsel for Plaintiff*

*s/Timothy P. Keating*  
**TIMOTHY P. KEATING**  
Senior Deputy Attorney General